

# *PRIVACY ACT 1974*



Office of Information Services

Enterprise Databases Group

Privacy Act Office

# *Basic Principles of the Privacy Act*

## (1) Places Limits on the Collection of Personal Information:

- Must be Relevant
- Collected Only as Necessary to carry out an Agency function
- Collection of SSN must be justified:
  - voluntary
  - required to obtain a benefit
  - mandatory under law
- The Individual must be informed of the purpose and uses of information being collected
- Information collected for one purpose may not be used for another purpose without the individual's consent



# *Basic Principles of the Privacy Act*



## (2) No Secret Government Records

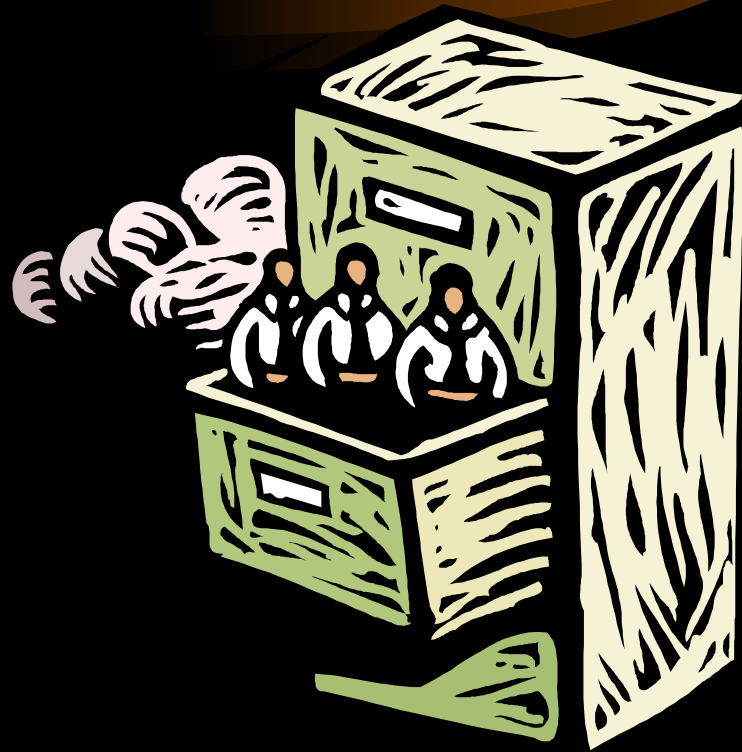
Agencies must publish notice to the public when they will collect and maintain records that contain individual identifiers - if records will be retrieved by any of these identifiers

- Must publish a Privacy Act System Notice in the Federal Register
- 40 Days before data collection begins
- Detailed description of the information collected

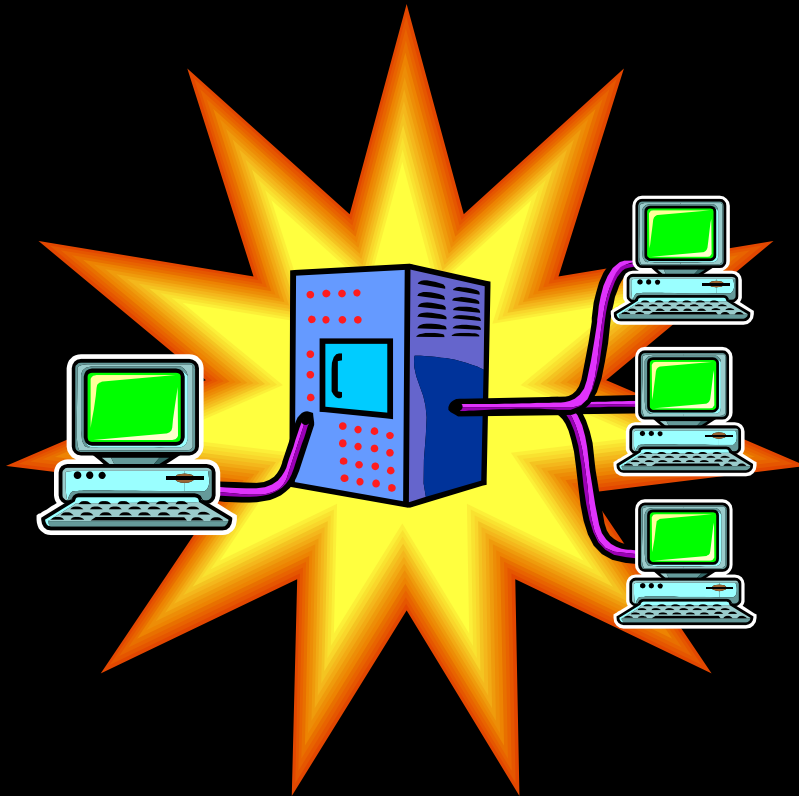
# *Basic Principles of the Privacy Act*

## (3) No Secret Use of Government Files

- Disclosures may be made with the consent of the individual
- Disclosure without the consent of the individual may be made if covered by one of the 12 disclosure provisions listed in the Privacy Act
- Agencies are Required to keep an accurate accounting of disclosures of records



# *Basic Principles of the Privacy Act*



## (4) Safeguards for the Security and Accuracy of Government Files

- Agencies must establish and maintain adequate safeguards
- Agencies must develop sound records management procedures whereby records must be accurate, timely, relevant, and complete
- Contractors are subject to the Privacy Act and must comply with all provisions of the Privacy Act - Safeguards must be part of the Contract

# *Basic Principles of the Privacy Act*

## (5) Right to See and Correct One's Own Records

Individuals have a right to:

- \* To Access
- To Amendment
- To Appeal denial of amendment



# *PRIVACY ACT STATEMENT*



# *Definitions*



## **AGENCY**

Includes any:

- Executive Department
- Military Department
- Government Corporation
- Government Controlled Corporation
- Or other establishment in the Executive Branch of Government (Including Executive Office of the President), or any Independent Regulatory Agency



# *Definitions*



## INDIVIDUAL

- U.S. Citizen
- Or Alien lawfully admitted for permanent residence

# *Definitions*

## RECORD

- Any item, collection, or grouping of information about an individual that is maintained by an agency
- Including but not limited to:
  - Education
  - Financial Transactions
  - Medical History
  - Criminal History
  - Employment History
- \* And that includes his/her name, or an identifying number, symbol, or other identifying particular assigned to the individual (such as a finger, voice print, or a photograph)

# *Definitions*



## **SYSTEMS OF RECORDS**

A group of any records under the control of any Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual

# *System of Records* *contains.....*



System Name  
Security Classification  
System Location  
Categories of Individuals by the System  
Authority for Maintenance of the System  
Purpose of the System  
Routine Uses of Records maintained in the system; including categories of users and the purposes of such uses  
Policies & Practices for storing, retrieving, accessing, retaining, & disposing of records  
System Manager and address  
Notification Procedures  
Record access procedures  
Contesting Record Procedures  
Record Source Categories

# *12 Disclosure Provisions of the Privacy Act*



(1)

To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties

# *12 Disclosure Provisions of the Privacy Act*



(2)

When required by the Freedom of  
Information Act

# *12 Disclosure Provisions of the Privacy Act*



(3)

For a Routine Use

# *12 Disclosure Provisions of the Privacy Act*



(4)

To the Bureau of the Census for purposes of  
planning or carrying out a Census or survey  
or related activity



# *12 Disclosure Provisions of the Privacy Act*



(5)

To a Recipient who have provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable

# *12 Disclosure Provisions of the Privacy Act*



(6)

To the National Archives and Records  
Administration as a record which has  
sufficient historical value to warrant its  
preservation

# *12 Disclosure Provisions of the Privacy Act*



(7)

To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the U.S. for a civil or criminal law enforcement activity is:

Authorized by Law

Head of Agency Makes a written request

Describes portion of desired record

Specifies the law enforcement activity

# *12 Disclosure Provisions of the Privacy Act*



(8)

To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual

# *12 Disclosure Provisions of the Privacy Act*



(9)

To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of congress or subcommittee or any such joint committee

# *12 Disclosure Provisions of the Privacy Act*



(10)

To the Comptroller General, or any of his  
authorized representatives, in the  
performance of the duties of the General  
Accounting Office

# *12 Disclosure Provisions of the Privacy Act*



(11)

Pursuant to the Order of a Court of  
Competent jurisdiction

# *12 Disclosure Provisions of the Privacy Act*



(12)

To a Consumer Reporting Agency



# *Computer Matching & Protection Act*



# *To be subject to this Act, the Match*

## *must:*

Be a Computerized comparison of two or more automated systems of records maintained by federal agencies, or a federal agency's automated system of records with a State or local government agency

Cover only applicants for federal benefit programs, those receiving benefits, or providers

Have as its purpose one or more of the following:

- Establishing or verifying initial or continuing eligibility for Federal Benefit Program(s)
- Verifying compliance with the requirements - either statutory or regulatory - of such programs
- \* Recouping Payments or delinquent debts under Federal Benefit Programs